

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

|   |   |
|---|---|
| -----X                                    |   |
| TRUSTEES OF THE LOCAL 8113 I.B.T.         | : |
| INSURANCE TRUST FUND, THE LOCAL 813       | : |
| I.B.T. PENSION TRUST FUND, AND THE LOCAL: | : |
| 813 AND 1034 SEVERANCE TRUST FUND,        | : |
|   | : |
| Plaintiffs,                               | : |
|   | : |
| -against-                                 | : |
|   | : |
| J & M RECYCLING, INC. and MICHAEL         | : |
| FARACA,                                   | : |
|   | : |
| Defendants.                               | : |
| -----X                                    |   |

ORDER

05-CV-5131 (ENV) (JMA)

VITALIANO, D.J.

On October 19, 2007, Magistrate Judge Joan M. Azrack issued a Report and Recommendation that the plaintiffs be awarded a total of \$46,709.78, including \$39,287.95 in unpaid contributions, \$7,071.83 in interest on these unpaid contributions and \$350.00 in costs. Judge Azrack also recommended that the plaintiffs' request for attorney's fees be denied. No objections to Magistrate Judge Azrack's Report and Recommendation have been timely filed.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Moreover, in order to accept a magistrate judge's report and recommendation where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." *Urena v. New York*, 160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

Magistrate Judge Azrack's Report and Recommendation is comprehensive and well-reasoned. Because this Court, after careful review, finds no clear error in it, the Court adopts

her Report and Recommendation in its entirety as the opinion of the court. Accordingly, it is ordered that the plaintiffs be awarded a total of \$46,709.78, and that the plaintiffs' request for attorneys' fees is denied.

The Clerk is directed to enter Judgment and close this case.

SO ORDERED.

Dated: Brooklyn, New York  
March 14, 2008

s/ENV

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ERIC N. VITALIANO  
United States District Judge